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## **UPCOMING HOT ISSUES AND IMPORTANT DEADLINES**

### **Arkema Inc., Crosby, Texas**

EPA sent Arkema, Inc., Crosby, Texas, an Information Request under § 114 of the Clean Air Act in early September, 2017. Arkema immediately requested a ninety day extension upon which EPA provided an initial partial denial regarding several of the questions and provided a 30-day extension for the remaining questions. We also received several documents in response to the 114 request. After reviewing the information provided by Arkema, EPA determined they had responded to the majority of the 114 request but still had not provided some details of interest. EPA sent a formal response to Arkema's extension request on September 29<sup>th</sup>. The response specified which additional detailed responses EPA requested immediately and granted a 30-day extension, until October 17, 2017, regarding the remaining outstanding information. Press interest continues to be high.

### **Takata, Eagle Pass, Texas**

EPA has been in communication with TCEQ regarding the storage of Takata inflators in Eagle Pass, Texas. Staff from TCEQ's Regional Office in Laredo, Texas are planning to visit the Eagle Pass facility in the next 2 weeks to evaluate storage practices and ensure that local emergency planning authorities are aware of the inflator storage location. Currently, Region 6 is reviewing a draft revised Department of Transportation Preservation Order that would begin to release some inflators for disposal. The oldest inflators, now stored in Michigan, would be released for disposal first. TCEQ is evaluating a RCRA Class 2 permit modification for Clean Harbors, Deer Park, a potential disposal facility for Takata inflators. The modification adds a shredder as pre-treatment before the inflators are fed to the permitted incinerators, preventing damage to the ceramic lining.

### **Aransas County, Texas**

At the request of Governor Gregg Abbott, the Texas Commission on Environmental Quality (TCEQ) is deploying 6 Burn Units to Aransas County, Texas for burning vegetative debris. At least two of the units are anticipated to be in operation by this Friday (10/13). TCEQ will be seeking a No Action Assurance from EPA for the use of air curtain incinerators for the burning. EPA has been in contact with TCEQ and has learned they are in the process of drafting the request and identifying the specific federal rules from which they are seeking relief. TCEQ should submit the request to the region by Thursday (10/12) and is requesting a same day response so they can start operations on Friday. OECA has been contacted and is expecting the request.

### **Denka, LaPlace Parish, Louisiana**

The upcoming meeting between the Louisiana Department of Environmental Quality and Parish officials to discuss EPA's draft summary report of chloroprene monitoring for the past 12 months has been rescheduled from October 24, 2017 to November 14, 2017. Press and Congressional interest continues to be high.

### **Texas Water Quality Standards, Triennial Review**

EPA is nearing completion of its review of the Texas 2014 triennial submittal for surface waters. EPA actions are pending consultation with EPA HQ and the Texas Commission on Environmental Quality. Previously, EPA has approved approximately 70% of the 2014 Texas Water Quality Standards. This

proposed action includes Resley Creek, South Leon River, Indian Creek and Primary Contact Recreation 2 (PCR2). .

#### **Arkansas Regional Haze State Implementation Plan**

EPA and the Arkansas Department of Environmental Quality (ADEQ) are working on a Arkansas Regional Haze State Implementation Plan revision to replace the Federal Implementation Plan that is in place. Current plans are that ADEQ will submit a SIP revision for parallel processing.

#### **Louisiana Regional Haze/Nelson Decision**

EPA finalized a limited disapproval of the Louisiana regional haze State Implementation Plan (SIP) on June 7, 2012 because of deficiencies in Louisiana's and other states' regional haze SIP submittals arising from the remand by the U.S. Court of Appeals for the District of Columbia to the EPA of the Clean Air Interstate Rule (CAIR). Specifically, as a result of the remand of CAIR, states' reliance on CAIR to demonstrate satisfaction of EGU BART is not approvable. In a separate rulemaking, we issued a partial limited approval/partial disapproval noting deficiencies in the SIP revision concerning non-EGU BART and Louisiana was required to submit a SIP revision to address the deficiencies. Under a Consent Decree (CD) issued in the case captioned *Sierra Club v. Pruitt*, Case. No. 1:15-cv-01555-JEB (D.D.C.), EPA is required to propose action to address the outstanding requirements for the Louisiana Regional Haze Program by June 29, 2017 and take final action by December 15, 2017. On August 11, 2016, Louisiana submitted a SIP revision to address the four non-EGU facilities, and we proposed to approve that SIP on October 27, 2016. No adverse comments were received. On February 10, 2017, Louisiana submitted a final SIP revision to address regional haze requirements for BART-eligible EGU facilities. On June 20, 2017, Louisiana submitted a supplement to their February 10, 2017 SIP, specifically to address BART for one EGU: Entergy Nelson. Louisiana submitted the June 20, 2017 revision with a request for parallel processing. We proposed to approve that SIP on July 13, 2017. On September 26, 2017, we amended that proposal to approve a compliance date three years from the effective date of the final EPA approval of the SIP revision for Nelson to meet an emission limit for sulfur dioxide (SO<sub>2</sub>) emissions. We are currently accepting comments regarding that amended proposal until October 26, 2017. EPA has endeavored to meet our State partner's expectation that we work to act quickly on this SIP revision while fulfilling our obligation under the CD to finalize all 4 proposed actions in a timeframe consistent with the CD deadline of December 15, 2017. We are on track to issue a final notice by that deadline.

#### **Village of Cuba and City of Jemez Springs, New Mexico**

EPA will conduct two National Environmental Laboratory Accreditation Program (NELAP) Inspections in New Mexico the week of October 16 - 20, 2017. The inspections will take place at the Village of Cuba Waste Water Treatment Plant in Cuba, New Mexico and the City of Jemez Springs and Jemez Valley Schools in Jemez Springs, New Mexico. Inspections will consist of reviews of the facility's quality system, as well as EPA, state, and NELAP methods, including but not limited to organic, inorganic, and metal testing methods. Invitations have been extended to the regional offices of the New Mexico Environment Department (NMED) to shadow the EPA employee on these audits for training and experience purposes. EPA is invested in continuing the development of the laboratory audits under the NPDES program and to share information with states.

#### **Pueblo of Nambe, Santa Fe County, New Mexico**

On October 11, EPA Region 6 met with Monarch Waste Technologies at its request to discuss Monarch's request to use an alternative monitoring plan for the commercial Hospital/Medical/Infectious Waste Incinerator it constructed on the Pueblo of Nambe. EPA notified Monarch on October 5, 2017, that it was not able to approve the current request because it did not

present sufficient information to identify specific alternatives under the New Source Performance Standards (NSPS) for compliance testing and operations. At the meeting, EPA offered guidance and information to assist Monarch in developing a new monitoring plan with sufficient technical detail to comply with alternative requirements allowable under both the NSPS General Provisions (40 CFR Part 60 Subpart A) and the Hospital/Medical/Infectious Waste Incinerator NSPS (Subpart Ec).

#### **Bird Creek, Osage County, Oklahoma**

A public hearing was held on October 11, 2017, on the proposed administrative orders issued to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. The three companies expressed that they hope to work with EPA in resolving the issues and concerns. Warren America and Jireh Resources offered to periodically pump and haul away water located in Bird Creek near monitoring station 6, as a partial remedial measure. Station 6 has recorded the highest consistent readings/levels of pollutants over the past few months. Novy Oil and Gas, Inc. stated that its well plugging plan has now been approved by BIA. Novy intends to plug and abandon its well. The land manager of Bass Bros property did not comment at the hearing, but previously submitted written comments prior to the hearing. The public was allowed to submit written comments during the 30 day comment period and was given the opportunity to also make oral comments at the hearing, but they declined to do so. EPA will carefully consider information and testimony provided at the hearing and the 30 day comment period and determine if any changes to the proposed orders are warranted.

#### **Dairy Inspections, Southeast Louisiana**

During the week of October 16, 2017 EPA will conduct joint small dairy AFO (Animal Feeding Operations) sampling inspections with the Louisiana Department of Environmental Quality (LDEQ) in southeast Louisiana. EPA will lead two of the joint inspection teams, and LDEQ will lead one inspection team for a total of three teams. The inspections will be conducted within the St. Helena, Tangipahoa and Washington Parishes to evaluate the animal waste management operations of some of the approximately 93 dairy farm sites located within those parishes. Most of these dairies do not have adequate lagoon dewatering and land application capabilities, and if an unpermitted dairy wastewater discharge to a waterway is noted, a sample will be collected.

#### **Macy's Retail Holdings, Inc.**

A press release has been prepared to announce EPA's settlement with Macy's Retail Holdings, Inc., (Macy's) over violations of hazardous waste regulations. In addition to correcting violations, Macy's will also develop a program with the capacity to train 400 retailers in Oklahoma and Texas, and conduct third-party audits at 11 of its largest facilities within Texas, Oklahoma, Louisiana and New Mexico, among other required actions. The company will also pay a \$375,000 civil penalty within 30 days of the effective date of the settlement, and must comply with all other requirements within one year. Oklahoma Department of Environmental Quality (ODEQ) Executive Director Scott Thompson said "The Macy's settlement highlights the importance of states and EPA working together on common-sense approaches that respect the needs of businesses, while still protecting public health." [EPA and ODEQ will issue the press release within the next few days.](#)

#### **Georgia Pacific, Crossett, Arkansas**

EPA is continuing our collaboration with ADEQ regarding our Interim Objection letter sent on May 19, 2017. EPA is seeking more information on the GP Crossett draft discharge permit. On August 14, 2017, ADEQ requested supplemental information for the permit application submitted on May 22, 2015 to include additional detail regarding: a description of the current wastewater treatment system, documentation clearly demonstrating that the portion of Coffee Creek located above Mossy

Lake is separate from the Georgia Pacific Crossett (GP) wastewater treatment process, and a qualified estimation that the discharge from Outfall 001 is protective of the Ouachita River during periods when Mossy Lake is flooded. ADEQ reported they received partial information from GP Crossett.ssss ADEQ will send GP Crossett another letter and will request to receive all information within the next 2 weeks.

#### **Homestake Mining Company Site, Cibola County, New Mexico**

EPA in cooperation with the U.S. Geological Survey (USGS) intends to conduct a webinar to provide an update on the groundwater assessment performed for the Site on October 19, 2017. USGS technical experts will present an overview of the sampling, the data collected, and provide a preliminary analysis. The webinar will be an opportunity for the community members, including the Bluewater Valley Downstream Alliance (BVDA), and its technical advisor, to provide any feedback on the groundwater assessment.

#### **City of Fort Worth, Texas**

The Texas Commission on Environmental Quality proposed a draft water discharge permit for the City of Fort Worth. This draft permit was reviewed and numerous concerns were noted by EPA. The permit fails to include measures to control post construction stormwater runoff. An Interim Objection is being routed for management review and will be submitted to TCEQ by its regulatory deadline of Friday, October 20, 2017.

#### **City of Mesquite, Texas**

The Texas Commission on Environmental Quality proposed a draft water discharge permit for the City of Mesquite, Texas. This was reviewed and numerous concerns were noted by EPA. The permit fails to include measures to control post construction stormwater runoff. An Interim Objection is being routed for management review and will be submitted to TCEQ by its regulatory deadline of Friday, October 20, 2017.

#### **NEPA**

None

#### **UPCOMING PUBLIC EVENTS**

October 13 – House Energy and Commerce Member Briefing on State and Federal Hurricane Response Efforts, Washington DC. Regions 2, 4, and 6 have been invited to make presentations along with TCEQ Chairman Shaw and Florida Secretary Valenstein.

October 18 – Louisiana Air & Waste Management Conference, Baton Rouge, LA. EPA will present on the impact of Hurricane Harvey to the Gulf Coast.

October 27 – Arkansas Environment Federation 50<sup>th</sup> Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.

November 29 – 30 - Regional Tribal Operations Committee (RTOC) meeting, Tulsa, Oklahoma

#### **UPCOMING DECISIONS**

##### **Oklahoma Coal Combustion Residual Permit Program**

EPA is engaging the tribes in consultation and coordination regarding the Coal Combustion Residuals (CCR) Permit Program Application from the State of Oklahoma. On August 3, 2017, EPA Region 6 received the Application. The Oklahoma Department of Environmental Quality has requested review and approval of the program consistent with the 40 CFR 257, Subpart D pertaining to coal combustion residual units. We will begin our government-to-government consultation by holding a conference call on October 19, 2017. The consultation is not anticipated to impact the timeline for approval by the Administrator.

#### **PAST WEEK ACCOMPLISHMENTS**

**San Jacinto River Waste Pits Superfund Site, Harris County, Texas**

The cleanup plan to address highly toxic dioxin contamination at the San Jacinto Waste Pits Superfund site in Harris County, Texas was approved by Administrator Scott Pruitt.

**Approval of Tonkawa Tribe of Oklahoma and Absentee Shawnee Tribe of Oklahoma for CWA Section 319(h) Grants**

EPA approved Treatment As State (TAS) applications for the Tonkawa Tribe of Oklahoma and Absentee Shawnee Tribe of Oklahoma to receive Clean Water Act funds to monitor water quality and implement non-point source controls on tribal lands.

**PENDING ACTIONS (Pending Federal Register Publication)**

Texas Regional Haze and Interstate Visibility Transport Final Action (Federal Implementation Plan)  
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